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**ORDINANCE NO. 09-45**

ORDINANCE REZONING FROM R-3-D (MULTIFAMILY DISTRICT) TO CR (COMMERCIAL-RESIDENTIAL DISTRICT) ACCORDING TO A SITE PLAN DATED MARCH 13, 2009, PREPARED BY OSCAR J. GONZALEZ, ARCHITECT. **PROPERTY LOCATED AT 201-215 EAST 7 STREET AND 715 EAST 2 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of February 11, 2009, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby rezoned from R-3-D (MultiFamily District) to CR (Commercial-Residential District) according to a site plan dated March 13, 2009, prepared by Oscar J. Gonzalez, Architect. Property located at 201-215 East 7 Street, and 715 East 2<sup>nd</sup> Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 22, 23, AND 24, IN BLOCK 33, OF TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
Carlos Hernandez  
Council President

Attest:

Approved on this 10 day of June, 2009.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodniek, City Attorney

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 188.01  
PRIOR TO FINAL PUBLICATION.

UNITY OF TITLE

This Declaration of Restrictions and Unity of Title ("Unity of Title") executed this 25<sup>th</sup> day of July, 2009, by Del Rey Properties Group, Inc., a Florida corporation which is the owner of the fee simple title to all the properties hereinafter described (hereinafter "Owner").

WITNESSETH;

WHEREAS, the undersigned, Del Rey Properties Group, Inc., a Florida corporation, is the fee simple owner of the following described properties located in the City of Hialeah, Florida:

Lot 22, Block 33, TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 5, Page 77, of the Public Records of Miami-Dade County, Florida; The West 90 feet of Lots 23 and 24, Block 33, TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 5, Page 77, of the Public Records of Miami-Dade County, Florida; and The East 60 feet of Lots 23 and 24, Block 33, TOWN OF HIALEAH, according to the Plat thereof, as recorded in Plat Book 5, Page 77, of the Public Records of Miami-Dade County, Florida.

a/k/a Lot 22 - 715 E. 2 Ave., Hialeah, FL - Folio #04-3118-001-4020

a/k/a Lots 23 and 24 - 201 E. 7 St., Hialeah, FL - Folio #04-3118-001-4030

WHEREAS, the undersigned owner of the properties desires to utilize said lots or parcels as a single building site in accordance with a zoning application submitted by the Owner to the City of Hialeah.

NOW, THEREFORE, for good and valuable consideration, the undersigned owner(s) hereby covenant(s) and agree(s) as follows:

1. Each and all of the foregoing recitations are true and correct and are incorporated herein by this reference and made a part hereof for all purposes.
2. The above-described lots and parcels will not be conveyed, mortgaged, or leased separate or apart from each other and that they will be held together as one tract or parcel for the purposes stated herein.
3. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same must also be approved by the City Council and the Mayor of the City of Hialeah, or its successors, by written resolution.

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4. The undersigned agrees that it will not convey, transfer, assign or otherwise dispose of the property, or any interest therein, without requiring the successor in right, title or interest to abide by the terms and conditions of this Unity of Title.

5. The use of the property shall be in compliance with all ordinances, regulations, codes and charter of the City of Hialeah and applicable state and federal law and laws and regulations of Miami-Dade County, Florida.

IN WITNESS WHEREOF, I (We) have hereunto set my (our) hand(s) and seal(s) at the City of Hialeah, County of Miami-Dade, State of Florida, this 25 day of July, 2009.

Signed, sealed and delivered in the presence of:

[Signature]

Witness

Typed/Printed Name:

YARLENIS BONZALEL

[Signature]

Witness

Typed/Printed Name:

MAYLEN PEREZ

Del Rey Properties Group, Inc.  
a Florida corporation

By: [Signature]  
Oswaldo Del Rey, President  
Owner/Applicant

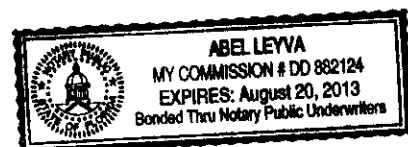
STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me on this 25 day of July, 2009 by Oswaldo Del Rey as President of Del Rey Properties Group, Inc., a Florida corporation who is/are personally known to me or have produced DRIVER LIC as identification and did (did not) take an oath and who attest(s) to the truth and accuracy of the representations contained herein.

D460-652-28-406-0

This document was prepared by:  
L. Michael Osman, Esq.  
1474-A Wes 84 Street  
Hialeah, Florida 33014

[Signature]  
Signature of Notary Public  
Abel Leyva  
Name of Notary Public Typed,  
Printed or Stamped  
Serial Number:



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Council President

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